



FORM PTO-1082

Page 1

Date: December 16, 2003
Docket No.: IR-2588(ET)

1733

THE COMMISSIONER OF PATENTS AND TRADEMARKS
Mail Stop Non-Fee Amendment
PO Box 1450
Arlington, VA 22313-1450

Sir:

Transmitted herewith for filing is a response in the patent application of

In re: Tokas, et al. Docket No.: IR-2588(ET)
Serial No.: 09/209,706 File Date: 12/11/98
Examiner: Geoffrey L. Knable Art Unit: 1733
For: "Contact Metathesis Polymerization"

Enclosed are:

- Transmittal Letter
- A copy of the Amendment Accompanying a Request for Continuing Prosecution, originally filed on November 20, 2003, with corrected claim status identifiers, as requested.
- Postal Card for Acknowledgement of Receipt.
- The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment to Deposit Account No. 12-2143. A duplicate copy of the sheet is enclosed.

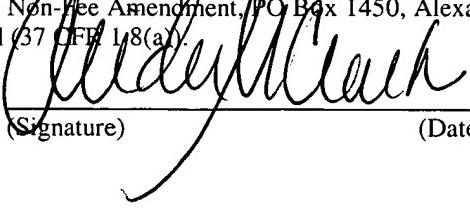
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Miles B. Dearth
Attorney for Applicant(s)
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CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited on December 16, 2003 with the United States Postal Service in an envelope addressed to the Commissioner of Patents and Trademarks, Mail Stop Non-Fee Amendment, PO Box 1450, Alexandria, VA 22313-1450, with sufficient postage as first class mail (37 CFR 1.18(a)).

Alida M. Clark
(Name of person mailing paper)


(Signature)

12/16/03
(Date)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Tokas, et al. Docket No.: IR-2588(ET)
Serial No.: 09/209,706 Filing Date: Dec. 11, 1998
Art Unit: 1733 Examiner: Geoffrey L. Knable
Title: "Contact Metathesis Polymerization"

December 16, 2003

Assistant Commissioner for Patents
Mail Stop Non-Fee Amendment
PO Box 1450
Alexandria, VA 22313-1459

In response to the Notice of Non-Compliant Amendment, mailed November 24, 2003, please find enclosed a new copy of the Amendment Accompanying a Request for Continuing Prosecution, with corrected claim status identifiers, as requested.

Should you have any further questions or concerns, please contact me.

A handwritten signature in black ink that appears to read "Miles B. Dearth".

Miles B. Dearth
Attorney for Applicant
Reg. 35,115

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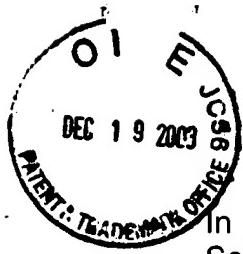
Certification Under 37 CFR 1.8(a)

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited on December 16, 2003 with the United States Postal Service in an envelope addressed to the Commissioner of Patents and Trademarks, Mail Stop Non-Fee Amendment, PO Box 1450, Alexandria, VA 22313-1450, with sufficient postage as first class mail.

Alida M. Clark
(Type or print Name of person mailing paper)

A handwritten signature in black ink that appears to read "Alida M. Clark".

(Signature of person mailing paper)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Tokas, et al. Docket No.: IR-2588(ET)
Serial No.: 09/209,706 Art Unit: 1733
Filed: December 11, 1998 Examiner: Geoffrey L. Knable
For: "Contact Metathesis Polymerization"

**AMENDMENT ACCOMPANYING A REQUEST FOR CONTINUING
PROSECUTION**

Assistant Commissioner of Patents
Box Fee Amendment
PO Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated May 20, 2003, kindly amend the subject application according to the presented amended claims in the section which follows:

Claims 54, 56, 57, 59-83, 93, 94, 96, 98-102, 104-142, and 144-172 were pending. Claims 108, 109, 116, 147, 149, 151, 152, 156, 157, 161, 162, 163, 167, 168, and 172 are cancelled.

Claims 99, 104, 144, 145, 148, 153, 159, 160, 164, 170, and 171 are amended.

Applicants have amended the claims, and canceled subject matter without prejudice to file a subsequent application.

The claims were rejected under 35 USA 103(a) as unpatentable over WO97/38036 and/or US 5,491,206 (Brown-Wensley et al) in view of Lesser (US 2,978,354), Cole (US 3,485,655), Krieble (US 2,901,099) and EP 424,233. The rejection is traversed.

In the rejection, it was noted that the method as applied to any substrate is held *prima facie* obvious on the basis that it is well known in the art (not including metathesis catalysis) to provide catalyst at a substrate surface, and that EP 833 provides sufficient evidence to provide a reasonable expectation that the reaction would be catalyzed. Applicants point out there is no teaching, suggestion or expectation of the surprising results when treating a metal substrate with metathesis catalyst and contacting this surface with metathesizable material beyond merely catalyzing the reaction. The evidence presented shows a substantial and unexpected improvement in the adhesion of the metathesis polymer formed when the polymer is synthesized from the surface of the metal substrate, rather than within the bulk of the metathesizable material, and this provides enhanced usefulness for protective coatings on metal substrates.

Applicants' evidence of surprising and substantial improvement in adhesion in comparison to premixing catalyst with metathesizable material is a patentable distinction.

Data in the specification also show a variety of metals are significantly adhered to. Examples 27-31 show similar improvement in adhesion to such substrates as stainless steel, aluminum. The support shown is believed commensurate with the scope of the claims presented.

Miscellaneous

Examiner is authorized to charge deposit account 12-2143 the amount required for a three-month extension of time for filing a response to the Office Action. Reconsideration and withdrawal of the claim rejections and allowance of the amended claims are respectfully requested.

Respectfully submitted,

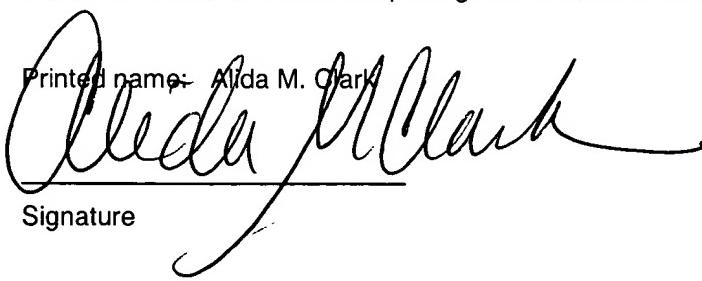


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CERTIFICATE OF MAILING per 37 CFR 1.8(a)

The person signing below hereby certifies that this paper (along with any paper referred to as being attached or enclosed) is being deposited on the date indicated below with the United States Postal Service in an envelope addressed to the Assistant Commissioner of Patents, Alexandria, VA 22313-1450, with sufficient postage as first class mail (37 CFR 1.8(a)) on Nov. 20, 2003.

Printed name: Alida M. Clark


Signature